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C O N F I D E N T I A L SECTION 01 OF 02 CAIRO 003617

SIPDIS

NSC STAFF FOR ABRAMS/POUNDS

E.O. 12958: DECL: 05/11/2015

TAGS: [PGOV](#) [KDEM](#) [EG](#)

SUBJECT: EGYPT: CONSTITUTIONAL AMENDMENT CHANGED, PASSED

REF: A. CAIRO 3495 (NOTAL)

[B](#). CAIRO 3424 (NOTAL)

[C](#). CAIRO 2536

Classified by ECPO Counselor John Desrocher for reasons 1.4  
(b) and (d).

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Summary  
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[1](#)1. (C) Egypt's parliament passed on May 10 an amendment to Article 76 of the constitution, allowing for the country's first direct, competitive presidential elections in its history. Before the amendment takes effect, it must be put to a national referendum, expected in late May. As reported ref A, the proposal fleshed out by the legislative affairs committee of the People's Assembly received a frosty reception from opposition figures and independent commentators, who asserted that the qualification formula spelled out for candidates posed insurmountable obstacles. A late-breaking downward revision of the number of required endorsements was touted as a "major concession" by leading ruling party officers but has been dismissed as meaningless by key opposition figures. The assessment we set forth in ref A holds: The bar has been set high for independents who wish to compete in future presidential elections. For political parties, the bar is surmountable, but only if this fall's legislative elections result in a much more diverse and independently-minded parliament. End summary.

[1](#)2. (C) The People's Assembly (PA) approved on May 10 the proposed amendment to Article 76 of the Egyptian Constitution to stipulate the election of the president in a direct, competitive election (reftels). Of the 454 members, 405 voted in favor. In a surprising development, NDP old guard stalwart Hussein Mugawwar inserted an amendment to the draft bill, reducing the total number of endorsements required for an independent to qualify as a candidate from 300 to 250. The original draft had stipulated that of 300 required endorsements from elected legislature members, at least 65 must come from the People's Assembly, 25 from the Shura Council, and 10 from each of at least 14 out of 26 provincial assemblies. Mugawwar's amendment revised the total number required to 250, but the 65-25-10 formula remained intact. The amendment will not take effect until it is approved by a public referendum, expected to take place in late May.

[1](#)3. (C) The figure of 250 was apparently the ruling National Democratic Party's fallback position from its "opening bid" of 300. Appearing on television on the evening of May 10, senior NDP figures including Safwat Sherif, PA speaker Fathy Surour, and Mohammed Kamal asserted that the amendment, as passed, was "extremely fair." They described the revision of the number of required endorsements down to 250 as a major concession and a gesture of the GOE's good will and commitment to democracy.

[1](#)4. (C) Opposition figures, who have been directing a continuous wave of scathing criticism since the outlines of the amendment emerged late last week, were unimpressed by this concession. Opposition Wafd Party figure Amr Okasha argued in the party's daily newspaper that the move "made no difference" and that the hurdles set out for both independents and parties to compete for the presidency remained too high. Abul Ela Madi of the proposed centrist Islamist Wasat Party (repeatedly denied recognition by the GOE) and the Nasserist journalist Abdel Halim Qandil (also linked to the Kifaya protest movement) each appeared on Arabic satellite channels on the evening of May 10 to denounce the amendment and affirm that the revision of the requirement to 250 did not change their minds. The Kifaya ("Enough") protest movement called on May 10 on Egyptians to boycott the presidential polls.

[1](#)5. (C) No changes were made in the final approved bill to the rules governing presidential candidates nominated by parties. A party will be allowed to nominate a candidate provided it has been in existence for five continuous years and secured at least five percent of the elected seats in each of the People's Assembly and the Shura Council. (No opposition party currently holds five percent of the seats in either body.) A grandfather clause in effect this year only allows

any of the 14 licensed and operating opposition parties to field candidates.

16. (C) So far, excepting a few fringe candidates, only the leftist Tagammu' Party's Khalid Mohiieldin and the Ghad Party's Ayman Nour have expressed an intent to compete in the race. However, the octogenarian Mohiieldin had previously threatened to drop out in protest of the stringent terms for qualification imposed by the amendment. As for Ayman Nour, he is facing a criminal forgery trial and accuses the NDP of engineering a sustained campaign of harassment and intimidation targeting himself, his party, and supporters.

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Comment

17. (C) Our sense is that the downward revision, from 300 to 250, was a symbolic concession that has not changed the calculus of either the ruling NDP or the various critics and opponents of the amendment. The NDP appears determined to maintain a formula that essentially excludes Islamists (who would have little hope of securing as many as 65 PA endorsements) and is also likely to keep political parties in check. As discussed refuels, prospects for a seriously competed presidential election this year are meagre, as the nearly dysfunctional opposition parties have no strong candidates to field. (The only theoretical exception would be Ayman Nour, but as noted he is facing a host of legal and organizational woes.) For the future, the amendment to Article 76 will only prove to have opened the door for seriously competed presidential elections if this fall's legislative elections result in a much more diverse and independently-minded parliament. End comment.

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GRAY